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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,453	05/01/2006	Lothar Dittmer	2002P01596WOUS	8061

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3743

NOTIFICATION DATE	DELIVERY MODE
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10/15/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No. 10/539,453	Applicant(s) DITTMER ET AL.	
	Examiner Stephen M. Gravini	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-24, 30 and 48-61 is/are pending in the application.
- 4a) Of the above claim(s) 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 30, 48-58, 60 and 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 18-24 and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Horecky (US 2,820,304). Claims using the means plus function language are construed and applicants' intention to invoke the sixth paragraph of 35 USC 112 because the means for language is used modified by functional language and not modified by sufficient material, acts, or steps. The claims are reasonably and broadly construed, in light of the accompanying specification, as being disclosed by Horecky, since the face of that reference discloses each of the claimed features.

Claims 48, 51, and 54 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Finnegan (US 3,266,167). The claims are reasonably and broadly construed, in light of the accompanying specification, as being disclosed by Finnegan, since the face of that reference discloses each of the claimed features.

Claim Rejections - 35 USC § 103

Claims 49-50, 52-53, 57, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finnegan. Finnegan discloses the claimed invention, as rejected above, except for the claimed inside cooler, cooler opening, plurality of openings, or outside flow. It would have been an obvious matter of design choice to recite those features, since the teachings of Finnegan, would perform the invention as claimed,

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regardless of the claimed inside cooler, cooler opening, plurality of openings, or outside flow.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finnegan in view of Turetta et al. (US 5,228,212). Finnegan discloses the claimed invention, as rejected above, except for the claimed first and second fans and condenser. Turetta, another device for a laundry dryer, discloses those features at column 3 lines 6-24 and column 5 line 67 through column 6 line 4. It would have been obvious to one skilled in the art to combine the teachings of Finnegan with first and second fans and condenser, as disclosed in Turetta, for the purpose of optimizing means of removing undesirable heat in a laundry drying operation with a dual fan operating system.

Claims 55-56, 58, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horecky. Horecky discloses the claimed invention, as rejected above, except for the claimed voltage arrangement, air mixture, or relative rotation mount. It would have been an obvious matter of design choice to recite those features, since the teachings of Horecky, would perform the invention as claimed, regardless of the claimed voltage arrangement, air mixture, or relative rotation mount.

Response to Arguments

Applicant's arguments with respect to claims 18-24, 30, and 48-54 have been considered but are not persuasive.

Horecky anticipation

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Applicants argue that primary reference Horecky does not anticipate the claimed rejection because it does not teach means for heat reduction. As reasonably and broadly construed in light of applicants' specification, it is inherent that Horecky meets the claim limitation because it necessarily follows that as the airflow of that reference flows past the electrode teachings of Horecky, it would meet the "means for" claim limitation of cooling.

Finnegan anticipation

Applicants argue that primary reference Finnegan does not anticipate the claimed rejection because it does not teach means for heat reduction. As reasonably and broadly construed in light of applicants' specification, it is inherent that Finnegan meets the claim limitation because it necessarily follows that as the airflow of that reference flows past the electrode teachings of Finnegan, it would meet the "means for" claim limitation of cooling.

Obviousness rejections

Applicants argue that because the primary references should be withdrawn as anticipation rejections, so should the secondary references with respect to the obviousness rejections. The primary reference rejections are maintained, as discussed above, as are the secondary references rejections.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been an obvious matter of design choice to recite the invention, as claimed, in order to arrive at the desired results.

Conclusion

Prior art references cited with this action contain one or more elements of the claimed invention, but are not relied upon in rejecting the claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/
Primary Examiner, Art Unit 3743